



05-10-01

CPA PTO/SB/29 (10-00)

Approved for [ ] through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
[ ] DUPLICATE

Address to: Assistant Commissioner for Patents  
Box CPA  
Washington, D. C. 20231

Attorney Docket No. of Prior Application 042390P5488D6

First Named Inventor Chia-Hong Jan et al.

Examiner Name Vu, H.

Group Art Unit 2811

Express Mail Label No. Via Facsimile May 8, 2001

This is a request for a [X] continuation or [ ] divisional under 37 CFR 1.53(d)

(continuation prosecution application (CPA)) of prior application No: 09/477,764

filed on January 4, 2000, entitled A DEVICE HAVING RECESSED SPACERS FOR IMPROVED  
SALICIDE RESISTANCE ON POLYSILICON GATES

If the Patent and Trademark Office determines that this request under 37 CFR 1.53(d) is improper, the Office is requested  
to treat this CPA as a request for continued examination of the above identified application under 37 CFR 1.114.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application practice," Final rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 CFR 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. PTO - 1449
  - b. Copies of IDS Citations

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# CLAIMS

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
Total Claims (37 CFR 1.16(c) or (i))	7 - 20* =	0	X \$18.00 =	\$ 0.00
Independent Claims (37 CFR 1.16(b) or (j))	1 - 3** =	0	X \$80.00 =	\$ 0.00
Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))			+ \$270.00 =	\$
			BASIC FEE (37 CFR 1.16(a))	\$ 710.00
Total of above Calculations				= \$ 710.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				\$
TOTAL =				\$ 710.00

\* Reissue claims in excess of 20 and over original patent.

\*\* Reissue independent claims over original patent.

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02-2666.
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
12. a. ☒ Receipt for Facsimile Transmitted CPA (PTO/SB/29A)  
b. ☐ Return Receipt Postcard (Should be specially itemized, See MPEP 503)
13. ☐ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. (Reminder: First investigate foreign filing question).
14. ☒ Other: If necessary, Applicant hereby respectfully petitions pursuant to 37 C.F.R. §1.136 for a two month extension of time to respond to the Final Office Action mailed December 8, 2000

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

## 14. NEW CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label \_\_\_\_\_  
OR \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label here)

New Correspondence Address Below  
NAME Michael A. Bernadicou

ADDRESS BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
12400 Wilshire Boulevard

CITY Los Angeles STATE California ZIP CODE 90025-1026  
COUNTRY USA TELEPHONE (408) 720-8300 FAX (408) 720-9397

## 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME Michael A. Bernadicou SIGNATURE Michael A. Bernadicou  
REGISTRATION NO. 35,934 DATE 5/8/01

PTO/SB/35(11-00)



**BLAKEL  
SOKOLOFF  
TAYLOR &  
ZAFMAN**

A LIMITED LIABILITY  
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1279 OAKMEAD PARKWAY  
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(408) 720-8300 (Telephone)  
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**FACSIMILE TRANSMITTAL SHEET (TRANSMITTAL TO PTO)**

Deliver to: Janice Robinson  
Firm Name: U.S. PATENT AND TRADEMARK OFFICE  
Fax Number: (703) 308-5841 Telephone No.: (703) 308-3298  
From: Michael A. Bernadicou  
Date: May 8, 2001 Time: 3:06 pm  
Operator: Teresa Edwards Matter: 042390P5488D6  
Number of pages including cover sheet: 5  
In Re Patent Application of: \_\_\_\_\_  
Application No.: 09/477,764  
Filed: January 4, 2000  
For: A DEVICE HAVING RECESSED SPACERS FOR IMPROVED SALICIDE  
RESISTANCE ON POLYSILICON GATES  
Enclosed are the following documents: Per your request please find enclosed a  
Continued Prosecution Application (CPA) including authorization to charge  
deposit account 02-2666 for CPA fee \$710.

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Firm Name: U.S. PATENT AND TRADEMARK OFFICE

Fax Number: (703) 308-5841 Telephone No.: (703) 308-3298

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Date: May 8, 2001 Time: 3:06 pm

Operator: Teresa Edwards Matter: 042390P5488D6

Number of pages including cover sheet: 5

In Re Patent Application of: \_\_\_\_\_

Application No.: 09/477,764

Filed: January 4, 2000

For: A DEVICE HAVING RECESSED SPACERS FOR IMPROVED SALICIDE RESISTANCE ON POLYSILICON GATES

Enclosed are the following documents: Per your request please find enclosed a Continued Prosecution Application (CPA) including authorization to charge deposit account 02-2666 for CPA fee \$710.

"Express Mail" mailing label number: EL 672 746 941 US

Date of Deposit: May 8, 2001

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Teresa Edwards

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Teresa Edwards

(Signature of person mailing paper or fee)

May 8, 2001

(Date signed)

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Teresa Edwards

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(Typed or printed name of person mailing paper or fee)

Teresa Edwards  
(Signature of person mailing paper or fee)

May 8, 2001  
(Date signed)

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Serial/Patent No.: 09/477,764 Filing/Issue Date: January 4, 2000  
Client: Intel Corporation  
Title: A DEVICE HAVING RECESSED SPACERS FOR IMPROVED SALICIDE RESISTANCE ON POLYSILICON GATES  
BSTZ File No.: 042390P5488D6 Atty/Secy Initials: MaB/GC/te  
Date Mailed: May 8, 2001 Docket Due Date: March 8, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |   |   |
|---|---|
| <input type="checkbox"/> Amendment/Response (____ pgs.)   | <input checked="" type="checkbox"/> Express Mail No.: <u>EL672746941US</u> <input type="checkbox"/> Check No. _____       |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                               | <input checked="" type="checkbox"/> <u>TWO</u> Month(s) Extension of Time Amt: _____                                      |
| <input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract)             | <input type="checkbox"/> Information Disclosure Statement & PTO 1449 (____ pgs.) <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                    | <input type="checkbox"/> Issue Fee Transmittal Amt: _____   |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                      | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                             | <input checked="" type="checkbox"/> Petition for Extension of Time  |
| <input checked="" type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal ( <u>3</u> pgs.) | <input type="checkbox"/> Petition for _____   |
| <input type="checkbox"/> Application - Design (____ pgs.)                                       | <input checked="" type="checkbox"/> Postcard  |
| <input type="checkbox"/> Application - PCT (____ pgs.)  | <input type="checkbox"/> Power of Attorney (____ pgs.)  |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                  | <input type="checkbox"/> Preliminary Amendment (____ pgs.)  |
| <input type="checkbox"/> Assignment and Cover Sheet   | <input type="checkbox"/> Reply Brief (____ pgs.)  |
| <input checked="" type="checkbox"/> Certificate of Mailing                                      | <input type="checkbox"/> Response to Notice of Missing Parts  |
| <input type="checkbox"/> Declaration & POA (____ pgs.)  | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business                                      |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.)  | <input type="checkbox"/> Transmittal Letter, in duplicate   |
| <input type="checkbox"/> Drawings: _____ # of sheets includes _____ figures                     | <input type="checkbox"/> Fee Transmittal, in duplicate  |

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